

**MINUTES OF THE
STATE ELECTIONS ENFORCEMENT COMMISSION'S
REGULAR MEETING
November 15, 2006**

I. Call to Order

Chairman Cashman called the meeting to order at 9:20 A.M. Commissioners Mendoza and Jenkins were present. Staff members present were Mr. Garfield, Ms. Andrews, Ms. Rotman, Messrs. Smith, Crayton, Ly, Ms. Kulmacz, Ms. Howard, Ms. Bergquist, Ms. Mathieu and Ms. Blackburn.

II. Approval of the Minutes

Approval of the Minutes of the October 25, 2006 Regular Meeting

It was moved by Commissioner Jenkins and seconded by Commissioner Mendoza to approve the minutes of the October 25, 2006 regular meeting. So voted.

Mr. Garfield respectively requested that the Commission add to today's agenda File No. 2005-312CNF, Respondent Michael Singh.

It was moved by Commissioner Jenkins and seconded by Commissioner Mendoza that File No. 2005-312CNF be added to the agenda in Public Session as Item 6-A. So voted.

III. Pending Complaints and Investigations

A. Public Session

1. In the Matter of a Complaint by Frances Knipple and Janis Murtha, South Windsor ROVs
File No. 2006-202
Proposed Consent Agreements and Orders
Respondent: Paulina Borkowski & Nicole Bourgelas
Investigators: Attorneys William B. Smith & Marc W. Crayton
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint. Respondent Paulina Borkowski has submitted a signed proposed Consent Agreement and Order along with a request that the civil penalty of \$1,000 be paid in installments. The Commission approved the installment plan of \$500 immediately upon adoption of the agreement and the balance of \$500 to be paid in two installments of \$250 each due on December 15, 2006 and January 15, 2007 respectively.

It was moved by Commissioner Jenkins and seconded by Commissioner Mendoza to adopt the proposed Consent Agreement and Order with respect to Respondent Borkowski contingent upon receipt of the first installment in the amount of \$500 towards the total civil penalty of \$1000 within 7 days. The balance to be paid as agreed. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

With respect to Respondent Nicole Bourgelas, she has indicated that she has mailed the signed agreement along with the civil penalty of \$1,000. Mr. Garfield recommended its adoption upon receipt within 7 days.

It was moved by Commissioner Jenkins and seconded by Commissioner Mendoza to adopt the proposed Consent Agreement and Order with respect to Respondent Nicole Bourgelas contingent upon the receipt of the signed proposed Consent Agreement and Order and the civil penalty of \$1,000 within 7 days from today. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

2. In the Matter of a Complaint by Karen Sulich, Canterbury
File No. 2006-264
Proposed Consent Agreement and Order
Respondent: Joann Brustolon
Investigator: Attorney William B. Smith
Managing Attorney: Joan M. Andrews

Attorney Andrews explained the above referenced complaint and investigation. The proposed Consent Agreement and Order with Respondent Brustolon has been signed and Attorney Andrews recommended its adoption.

It was moved by Commissioner Jenkins and seconded by Commissioner Mendoza to adopt the proposed Consent Agreement and Order in File No. 2006-262. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

3. In the Matter of a Complaint by Migdalia Rivas, Norwalk
File No. 2006-265
Proposed Findings and Conclusions
Investigator: Attorney Marc W. Crayton
Managing Attorney: Joan M. Andrews

Attorney Andrews explained the above referenced complaint and proposed Findings and Conclusions recommending that the matter be dismissed without prejudice.

It was moved by Commissioner Jenkins and seconded by Commissioner Mendoza to adopt the proposed Findings and Conclusions in File No. 2006-265 dismissing the matter without prejudice for the reasons stated. So voted. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

4. In the Matter of a Complaint by Robert J. Symmes, West Haven
File No. 2006-266
Proposed Findings and Conclusions
Investigator: Attorney William B. Smith
Managing Attorney: Joan M. Andrews

Attorney Andrews explained the above referenced complaint and proposed Findings and Conclusions recommending that the matter be dismissed.

It was moved by Commissioner Jenkins and seconded by Commissioner Mendoza to adopt the proposed Findings and Conclusions in File No. 2006-266 dismissing the matter for the reasons stated. So voted. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

5. In the Matter of a Complaint by Charles A. Marino, Registrar of Voters, West Haven
File No. 2006-267
Proposed Findings and Conclusions
Investigator: Attorney William B. Smith
Managing Attorney: Joan M. Andrews

Attorney Andrews explained the above referenced complaint and the proposed Findings and Conclusions recommending that the matter be dismissed.

It was moved by Commissioner Jenkins and seconded by Commissioner Mendoza to adopt the proposed Findings and Conclusions in File No. 2006-267 dismissing the matter for the reasons stated. So voted. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

6. In the Matter of a Complaint by Bill Cunningham, Plainville
File No. 2006-270
Proposed Consent Agreement and Order
Respondent: Christine Roy
Investigator: Attorney Marc W. Crayton
Managing Attorney: Joan M. Andrews

Attorney Andrews explained the above referenced complaint and the proposed Consent Agreement and Order. Respondent Christine Roy has signed the proposed agreement and Ms. Andrews recommended its adoption.

It was moved by Commissioner Jenkins and seconded by Commissioner Mendoza to adopt the proposed Consent Agreement and Order in File No. 2006-270. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

6.a. In the Matter of a Referral by the Office of the Secretary of the State
Respondent Michael Singh
File No. 2005-321CNF
Hearing Officer: Jeffrey B. Garfield

Mr. Garfield explained that the above referenced matter was referred by the Office of the Secretary State for failure to file the required campaign finance forms. Respondent was a candidate for special election to fill a vacancy in the office of state senator in the 23rd District. Following the hearing, Mr. Garfield prepared a Hearing Officer's report which was adopted as a Final Decision on September 20, 2006. The Final Decision included an order to pay a civil penalty of \$750 and to comply with the filing requirements of C.G.S. §9-333f. Respondent has a prior history of election violations. Mr. Singh has failed to comply with the Commission's order. The required 45 days has lapsed from notice of the final decision and therefore he has waived his right to an appeal of the decision in Superior Court pursuant to C.G.S. §4-183. Mr. Garfield recommended the matter be referred to the Attorney General for enforcement of the Commission's order and decision.

It was moved by Commissioner Jenkins and seconded by Commissioner Mendoza to refer Respondent Michael Singh to the Attorney General's Office for enforcement of the Commission's order. So voted.

B. Executive Session per C.G.S. 1-200(6)(B) and (E), and 1-210(b)(3) and (4)

It was moved by Commissioner Jenkins and seconded by Commissioner Mendoza at 9:35 A.M. to proceed into Executive Session pursuant to C.G.S. §1-200(6)(B) and (E) and 1-210(b)(4) to discuss strategy and negotiations with respect to pending claims and exempt records relating thereto, listed as Items 7 to 11 on the agenda. So voted. Present were Commissioners Cashman, Mendoza and Jenkins. Staff members present were Mr. Garfield, Ms. Andrews, Ms. Rotman, Messrs. Smith, Crayton, Ly, Ms. Kulmacz, Ms. Howard, Ms. Bergquist, Ms. Mathieu and Ms. Blackburn.

It was moved by Commissioner Jenkins and seconded by Commissioner Mendoza to return to public session at 10:05 A.M. So voted.

Following a short recess, the Commission returned and took the following action.

7. In the Matter of a Complaint by Stephen Simoncini, Clinton
File No. 2006-141
Investigator Attorney Joan M. Andrews
Managing Attorney: Jeffrey B. Garfield

This matter was continued.

8. In the Matter of a Complaint by Gloria L. Gifford, Bridgeport
File No. 2006-273

Investigator: Attorney Marc W. Crayton
Managing Attorney: Joan M. Andrews

This matter was continued.

9. In the Matter of a Complaint by Karl R. Dudek, Enfield
File No. 2006-275

Investigator: Attorney Marc W. Crayton
Managing Attorney: Joan M. Andrews

This matter was continued.

10. In the Matter of a Complaint by Christopher Rossetti, Avon
File No. 2006-279

Investigator: Attorney Marc W. Crayton
Managing Attorney: Joan M. Andrews

This matter was continued.

11. Consideration of Whether to Initiate Investigations

Attorney Andrews explained her request that the Commission initiate investigations pursuant to C.G.S. §9-7b(a)(1) into whether state election laws were violated in the towns of West Hartford, Manchester and Windham. There was discussion, and afterwards, the Commission took the following action:

- a. It was moved by Commissioner Jenkins and seconded by Commissioner Mendoza that the Commission initiate an investigation into whether state election laws were violated in West Hartford with respect to voting machine set up, including but not limited to, CGS §§9-243, 9-246, 9-247 and 9-259 and whether IVS machines were provided and placed in each polling place as required by the Help America Vote Act. So voted.

It was also moved by Commissioner Jenkins and seconded by Commissioner Mendoza to issue an impoundment order for voting machines in West Hartford pursuant to C.G.S. §§9-310 and 9-7b(a)(1) to preserve evidence until such time that Commission staff can inspect the designated voting machines. So Voted.

- b. It was moved by Commissioner Jenkins and seconded by Commissioner Mendoza to initiate an investigation into whether any state election laws were violated in the town of Manchester concerning the set up of voting machines, including, but not limited to, C.G.S. §§9-243, 9-246, 9-247 and 9-259 and to issue an impoundment order for the voting machines affected pursuant to §§9-310 and 9-7b(a)(1) . So voted.

- c. It was moved by Commissioner Jenkins and seconded by Commissioner Mendoza to initiate an investigation into whether C.G.S. §§9-174 and 9-259 were violated by the polling place officials in the town of Windam by failing to open a polling place on time. So voted.
- d. It was moved by Commissioner Jenkins and seconded by Commissioner Mendoza to issue an impoundment order for the voting machines in the Town of Norwich, File No. 2006-291 pursuant to C.G.S. §§9-310 and 9-7b(a)(1) to preserve the evidence until such time as the Commission staff can inspect the voting machines. So voted.

IV. Non-Filer Compliance: Referrals by the Office of the Secretary of the State

File No. 2006-244NF

First District Republicans

Respondent:	John A. Florek, Treasurer
Investigator:	Attorney William B. Smith
Managing Attorney:	Joan M. Andrews
	Compliance with C.G.S. §9-333j and §9-333y

Recommendation:	Commission take administrative notice of compliance with the statutes indicated, and accepts, as full settlement the payment of \$300 to the State of Connecticut and will take no further action with respect to these matters.
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File No. 2006-245NF

Freedom PAC

Respondent:	James Conroy, Treasurer
Investigator:	Attorney William B. Smith
Managing Attorney:	Joan M. Andrews
	Compliance with C.G.S. §9-333j and §9-333y

Recommendation:	Commission take administrative notice of compliance with the statutes indicated, and accepts, as full settlement the payment of \$300 to the State of Connecticut and will take no further action with respect to these matters.
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File No. 2006-261NF

Working Families Campaign Committee

Respondent:	Steve Murdo, Treasurer
Investigator:	Attorney William B. Smith
Managing Attorney:	Joan M. Andrews
	Compliance with C.G.S. §9-333j and §9-333y

Recommendation:	Commission take administrative notice of compliance with the statutes indicated, and accepts, as full settlement the payment of \$200 to the State of Connecticut and will take no further action with respect to these matters.
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It was moved by Commissioner Jenkins and seconded by Commissioner Mendoza to take administrative notice of compliance with the statutes indicated, and accept, as full settlement the payments as indicated and to take no further action with respect to the matters in File Nos. 2006-244NF, 2006-245NF and 2006-261NF. So voted.

V. *Consideration of Draft Declaratory Ruling-Lobbyist Contribution and Solicitation Ban*

Attorney Andrews reviewed the comments that were received from the CT Business & Industry Association, Metro Hartford Alliance, and the League of Women Voters, as well as Attorney Bart Halloran on behalf of the Association of CT Lobbyists. She summarized her response to the comments concerning the proposed declaratory ruling. The Commission discussed the comments received and how to clarify the ruling to address some of the concerns that were raised. They discussed language changes that would identify the areas of concern and clarify what conduct is permissible. Attorney Andrews stated that she has prepared new proposed language suggesting changes based on the comments received. The declaratory ruling's purpose is to clarify for the regulated community what is permissible, and what is not..

Mr. Garfield agreed with Attorney Andrews that the standard that the draft declaratory ruling incorporates should be a standard that has been recognized by the Federal Courts.

It was moved by Commissioner Jenkins and seconded by Commission Mendoza to adopt the declaratory ruling previously issued in draft form adopted in final form with the addition of the language changes discussed. So voted. The Declaratory Ruling is adopted.

VI. *Litigation Update*

Attorney Andrews informed the Commission that there are two law suits pending that concern, in part, the lobbyist contribution ban, the public financing program and the state contractor ban. The motions for preliminary injunction which were expected to be heard and decided by the end of the year, will not be decided. The Attorney General's Office has informed her that the motions for preliminary injunction have been withdrawn. They will be heard by way of cross summary judgment motions in March and finally decided sometime in the spring. The change will mean a faster final determination, which is good news for the public financing program.

VII. *Legislative Recommendations*

Mr. Garfield stated that there are some very important issues in the Commission's budget for FY 08-09. The need for a legal compliance unit separate from legal enforcement unit is a top priority. He said that he recommends that the Commission have a very focused package of recommendations that are geared to the implementation issues that we are faced with in the campaign finance legislation. He briefly summarized his preliminary list included in his memo to the Commissioners. Mr. Garfield commended Dianna and Renata for their efforts for devising the new affidavit form for state contractors and prospective State contractors. He reviewed some of the principal recommendations for changes to the contractor ban and that there may be others for discussion at the next meeting.

Mr. Garfield introduced the Beth Rotman, Director of the Public Financing, to summarize her progress on implementation of the public financing program.

Ms. Rotman summarized her recommendations and suggestions on issues to improve the implementation of the Citizen's Election Program. She is working on ways to make a better audit trail and suggestions for language changes. There is a need to have balance between wanting the program to be candidate friendly and user friendly to the people who want to contribute. Following the discussion of her suggestions and recommendations she stated that she hoped to have draft regulations on permissible uses of public funds and other procedural regulations ready for the next meeting on November 29.

VIII. Administrative Reports

Mr. Garfield informed the SEEC that the progress report that was prepared and submitted to GAE on October 15 has received positive feedback from the GAE leaders. It has been a great challenge and the agency is determined to meet the challenges. Much progress has made in the public financing area and the drafting of the proposed regulations. He informed the Commissioners on the progress of the new positions that are soon to be filled. He introduced Ms. Mathieu to update the Commission on the progress in her unit.

Ms. Mathieu informed the Commission that Dara and Dianna have been working with her on the contractor ban since Mr. Ly has moved to the public financing unit. She said the the responses are coming slowly but expect the response rate will increase soon.

Mr. Garfield said that he is presenting a report regarding the implementation of the law to the State Contractors Standards Board this afternoon. Ms. Mathieu and others have done numerous informational meetings on the contractor ban with more to come. The IT unit, Dara, Dianna and Al have been busy working on a project to develop forms that will be utilized for both the public and private financing programs.

Mr. Garfield and Ms. Rotman will be meeting hopefully this week with the Corporation Counsel and the President of the New Haven Board of Alderman and hope to have a redraft of their proposed ordinance for the Commission's consideration at the November 29 meeting.

Mr. Garfield introduced Shannon Bergquist to the Commissioners. She is the new staff attorney assigned to the Legal Affairs and Enforcement Unit. The Commissioners welcomed her to the agency.

IX. Adjournment

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adjourn the meeting at 11:40 A.M. So voted.

Unless otherwise indicated, all voted of the Commission were unanimous.

The next meeting will be a SPECIAL MEETING scheduled for Wednesday, November 29, 2006 at 9:00 A.M. in the 2nd Floor meeting room.

Respectfully submitted,

Lois E. Blackburn
Clerk of the Commission

Adopted this 29th day of November, 2006, at Hartford, Connecticut.

Stephen F. Cashman, Chairman
By Order of the Commission